



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1734  
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In re Application of

Jonathan S. Simon

: Art Unit: 1731

Serial No: 09/832,259 /

: Examiner: S. Vincent

Filed: April 4, 2001

: Docket No: 5342-05

For: CONTROL FOR I.S. MACHINE

Assistant Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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AUG. 13, 2003

Sir:

Please charge deposit account number 50-0696 for the Terminal Disclaimer fee under 37 CFR 1.20(d) required for the attached Terminal Disclaimer under 37 CFR 1.321.

A duplicate copy of this paper is attached.

Responsive to the Office Action dated ~~April 24~~ <sup>MAY 13,</sup> 2003, applicant is hereby submitting a Terminal Disclaimer under 37 CFR 1.321 relative to sister applications:

09/829,702  
09/829,703  
09/829,704  
09/829,746  
09/829,747  
09/829,748  
09/829,832  
09/829,833.

This should overcome the double patenting rejections.

The examiner has rejected the claims as anticipated and obvious over Hotmer. Hotmer discloses the conventional way of addressing a glass forming machine. Every structure on the Hotmer machine operates once per machine cycle with the cycle being represented by 360°. Figure 13 shows the actual degree setting for events to occur and Figure 14 shows this machine cycle unwrapped or presented linearly.

The claims herein specify that a process (bottle forming/claim 1, initial product transformed into a final

product/claim 5) takes place during a period of time which is longer than the time of a machine cycle that is carrying out the process. For example claim 1 states that

"wherein an unwrapped bottle forming process...takes more than the time of a 360° machine cycle to complete".

Claim 1 then provides for

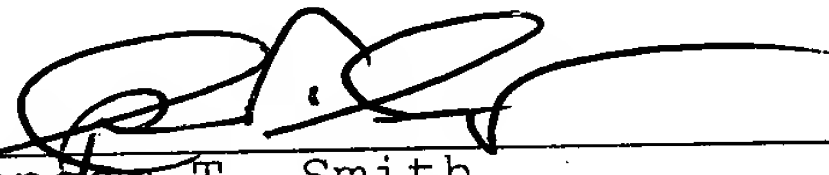
"unwrapping means for converting the event angles around the wrapped 360° programmable sequencer at which displacements begin and valves are turned "on" and "off" to event times along an unwrapped bottle forming process", i.e., more than one machine cycle. Stated in another way, the 360 cycle information is unwrapped into event information that does not repeat every 360° but repeats once everytime the process is completed.

Hotmer takes 360° event data and presents it as linear 360° event data for the same machine cycle. Hotmer does not have anything to do with the bottle making process, which in Hotmer, takes approximately 2.2 machine cycles to complete. Whether linear or circular, Hotmer involves the machine cycle. Hotmer accordingly can not teach taking 360° machine cycle data and converting that data to process data having a different cycle time.

The claims accordingly patentably define over the cited references and should be presently allowed.

Respectfully submitted,

By

  
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PTO/SB/25 (10-89)

Approved for use through 9/30/2000. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional)

5342-05

In re Application of: JONATHAN S. SIMON

Application No.: 09/832,259

Filed: 04/10/01

For: CONTROL FOR I.S. MACHINE

The owner\*, EMHART GASS SA, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending second application Application Number #, filed on , the term being defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

# 09/829,702 FILED 04/10/01

09/829,703 FILED 04/10/01

09/829,704 FILED 04/10/01

09/829,746 FILED 04/10/01

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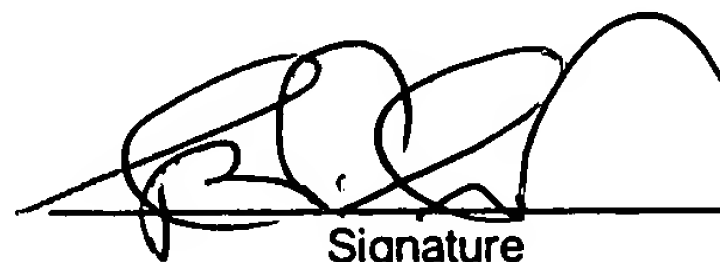
- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

09/829,832 FILED 04/10/01

09/829,833 FILED 04/10/01

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this statement. See MPEP § 324.



Signature

08/11/03  
Date

SPENCER T. SMITH

Typed or printed name

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